

***Remarks***

Reconsideration of this application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-48 and 67-79 are pending in the application, with claims 16, 17, and 67 being independent claims. Claims 1, 15, 49, 54-56, 62, 63, 65, and 66 are sought to be canceled without prejudice to or disclaimer of the subject matter therein.

In its decision, the Board indicated that it would have been *prima facie* obvious to topically administer an amphiphilic oligomer of DeGrado's Claim 26 to the infected skin of an animal. Decision on Appeal No. 2010-005832, page 6. One of the amendments to the claims adds the limitation that the compound is systemically administered to the animal. The presently claimed method would not have been *prima facie* obvious in view of the contact microbial method of DeGrado's Claim 26. Applicants reserve the right to pursue claims directed to the topical administration of oligomers of DeGrado's Claim 26 in one or more future divisional applications.

Claims 16, 17, and 67 are currently amended such that the method comprises systemic administration of an effective amount of a pharmaceutical composition comprising an amphiphilic oligomer of Formula II. Support for this amendment can be found in the specification as filed on page 122, in paragraph 299. The definition of R<sup>8</sup> has been amended in these claims such that R<sup>8</sup> is hydrogen. Support for this amendment can be found on page 63, paragraph 190 in the specification as filed. Also, the definition of A<sub>1</sub> has been amended in these claims such that A<sub>1</sub> is substituted with one or more polar (PL) groups and is optionally substituted with one or more non-polar (NPL) groups. Support for this amendment can be found on pages 100-105 and Figure 10 of the specification. The phrase "optionally substituted" has been deleted from the definition of

A<sub>1</sub> and A<sub>2</sub> in the claims to be consistent with this amendment. Additionally, text has been deleted in the definition of R<sup>1</sup> for the same reason.

In claims 16 and 46, the term "about" has been deleted in the definition of "m".

Claims 18, 20, 21, 24-26, 48, and 71-73 are currently amended to be consistent with claim 16 from which they ultimately depend.

Claims 35 and 42 are currently amended to correct their dependency.

Claim 67 is currently amended to remove an unintentional space in the term "*m*-pyrimidinylene".

Claim 68 is currently amended to correct a typographical error found in the first oligomer. Support for the correction of this error is found in claim 67, from which claim 68 depends. In this claim, "x" is defined as NR<sup>8</sup>, not as a methylene ("CH<sub>2</sub>") group.

New claims 74-79 are sought to be added. Support for their entry can be found in the specification as filed on page 122, in paragraph 299.

The proposed amendments and new claims are believed to introduce no new matter and their entry is respectfully requested.


***Conclusion***

Applicants respectfully request that the Examiner considers the amendments presented herein. Applicants believe the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
John M. Covert  
Attorney for Applicants  
Registration No. 38,759

Date: Nov. 27, 2012

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

1613393\_1